

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



July 12, 2000

ALL-COUNTY LETTER NO. 00-46

REASON FOR THIS TRANSMITTAL

- ☐ State Law Change
- ☒ Federal Law or Regulation Change
- ☐ Court Order
- ☐ Clarification Requested by One or More Counties
- ☐ Initiated by CDSS

TO: ALL COUNTY WELFARE DIRECTORS
VOLUNTARY AGENCIES
MUTUAL ASSISTANCE ASSOCIATIONS
STATE ADVISORY COUNCIL MEMBERS
FORUM CHAIRS
COUNTY REFUGEE COORDINATORS

SUBJECT: CHANGE OF DATE ASYLEES ARE ELIGIBLE FOR REFUGEE ASSISTANCE

Effective June 15, 2000, individuals who are granted asylum are now eligible for refugee assistance and services beginning on the date that they are granted asylum. Prior to this announcement, eligibility started with the month the asylee first arrived in the United States.

The following documents will confirm both the status and the date asylum was granted:

- Immigration and Naturalization Service (INS) Form I-94 Arrival/Departure Card noting that the individual has been admitted (granted asylum) under Section 208 of the Immigration and Nationality Act (INA).
- INS Form I-94, with the admission codes AS-1, AS-2 or AS-3.
- Order of an Immigration Judge Granting Asylum under Section 208 of the INA.
- INS Form I-94 Arrival/Departure Card with Visa 93 (or V-93).
- Asylum Approval Letter from an INS Asylum Office.

The change in policy is in conformance with the attached federal Office of Refugee Resettlement's (ORR) State Letter 00-12 dated June 15, 2000, subject Asylee Eligibility for Refugee Resettlement Program Benefits.

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Should you have any questions, please contact Ms. Linda Keene, Refugee Programs Branch, at (916) 654-2602 or lkeene@dss.ca.gov.

Sincerely,

Original Signed by Bruce Wagstaff
On July 12, 2000

BRUCE WAGSTAFF
Deputy Director
Welfare to Work Division

Attachment

c: CWDA



DEPARTMENT OF HEALTH & HUMAN SERVICES

ADMINISTRATION FOR CHILDREN AND FAMILIES
370 L'Enfant Promenade, S.W.
Washington, D.C. 20447

ORR State Letter

00-12

Date: June 15, 2000

TO: STATE REFUGEE COORDINATORS
NATIONAL VOLUNTARY AGENCIES
OTHER INTERESTED PARTIES

FROM: Lavinia Limon, Director
Office of Refugee Resettlement

SUBJECT: Asylee Eligibility for Refugee Resettlement Program Benefits
Date of Entry Will Be Date Individual Is Granted Asylum

The Office of Refugee Resettlement (ORR) is pleased to announce that, effective immediately, asylees will be eligible for refugee assistance and services beginning on the date that they are granted asylum. This is a substantial policy change, which will increase significantly the number of asylees that receive assistance and services through ORR. Due to recent statutory changes, individuals, who wish to do so, are generally required to apply for asylum within one year after their arrival in the United States. Asylum applicants move through the asylum process much more quickly and, as a result, are granted asylum much sooner after their arrival than in previous years. These early months after the grant of asylum are critical, as asylees attempt to find work, adapt to their new culture and, in many cases, bring their families from countries at war and from other unsafe situations. With this policy change, asylees, who make up one of the most vulnerable populations of immigrants to the United States, will be assisted during this critical period.

Section 412(e) of the Immigration and Nationality Act (INA) outlines a refugee assistance program that provides benefits "beginning with the first month in which such refugee has entered the United States . . ." (emphasis added). Pursuant to 45 CFR §400.203(b) and §400.211, the eligibility period for refugee cash and medical assistance continues from entry for eight months. For social services, the eligibility period, noted at 45 CFR §400.152(b), is five years. In the past, an asylee's entry date was considered the date that the individual entered the United States. Because of the time it normally takes for an individual to apply for asylum and to proceed through the Immigration and Naturalization Service (INS) adjudication process, this interpretation of "entry" prohibited most asylees from accessing refugee cash and medical assistance and reduced their access to social services. Under ORR's new policy, an asylee's entry date will be the date that the individual is granted asylum in the United States.

This policy change will be particularly important for asylees who need to access refugee cash and medical assistance. For example, an individual could enter the United States on December 1, 2000 as a tourist. He or she could apply for asylum on April 1, 2001. The asylum office could interview the individual on June 1, 2001 and grant asylum on August 1, 2001. In the example, the individual's date of entry would be August 1, 2001, the date asylum was granted. The asylee would be eligible to access

refugee cash and medical assistance from August 1, 2001 through March 31, 2002. This example assumes an eight-month eligibility period and uses either the calendar month or actual date of arrival to count time-eligibility. (See 45 CFR §400.220 for more details on counting time-eligibility.) Under ORR's previous interpretation of "entry", the individual in this example would not have been able to access refugee cash and medical assistance as his or her "entry" date would have been December 1, 2000, the date the individual entered the United States, and the eligibility period would have ended.

Providers will be required to determine an asylee's eligibility in accordance with ORR regulations. This eligibility determination includes confirmation of the individual's status and date of entry through appropriate documentation. **The following documents will confirm both status and date of entry for asylees:**

- (1) INS Form I-94 Arrival/Departure Card noting that the individual has been admitted under §208 of the INA
- (2) INS Form I-94 Arrival/Departure Card with the admission codes AS-1, AS-2 or AS-3
- (3) INS Form I-94 Arrival/Departure Card with Visa 93 (or V-93)
- (4) Order of an Immigration Judge Granting Asylum under §208 of the INA
- (5) Asylum Approval Letter from an INS Asylum Office

This policy change is effective immediately. If you have questions concerning the interpretation of "entry", please contact Anna Marie Bena at (202) 260-5186.